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Owen F. Duffy (OD-3144)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ARYA SHIPPING LINES PJS,

Plaintiff,

v.

FOUR WINDS MARITIME SDN BHD and,
IBETO CEMENT CO., LTD.,

Defendants.

-----X
STATE OF NEW YORK :

: SS.

COUNTY OF NASSAU :

JUDGE KAPLAN
'07 CIV 7037

**AFFIDAVIT THAT
DEFENDANTS CANNOT
BE FOUND WITHIN THE
DISTRICT**

This affidavit is executed by the attorney for the Plaintiff, ARYA SHIPPING LINES PJS (hereinafter "ARYA"), in order to secure the issuance of a Summons and Process of Attachment and Garnishment in the above-entitled, *in personam*, Admiralty cause.

George E. Murray, being first duly sworn, deposes and states:

1. I am an associate of the firm of Chalos, O'Connor & Duffy LLP representing Plaintiff, ARYA, in this case.

2. I have personally inquired or have directed inquiries into the presence of Defendants FOUR WINDS MARITIME SDN BHD and IBETO CEMENT CO., LTD. and in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of August 6, 2007, the Defendants FOUR WINDS MARITIME SDN BHD and IBETO CEMENT CO., LTD. are not incorporated pursuant to the laws of New York, are not qualified to conduct business within the State of New York and have not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for the Defendants FOUR WINDS MARITIME SDN BHD and/or IBETO CEMENT CO., LTD..

4. I have inquired of Verizon Telephone Company whether the Defendants FOUR WINDS MARITIME SDN BHD and/or IBETO CEMENT CO., LTD. can be located within this District. The Verizon Telephone Company has advised me that the Defendant does not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listing or address for the Defendants FOUR WINDS MARITIME SDN BHD and IBETO CEMENT CO., LTD. within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the Defendants FOUR WINDS MARITIME SDN BHD and IBETO CEMENT CO., LTD. can be found within this District.

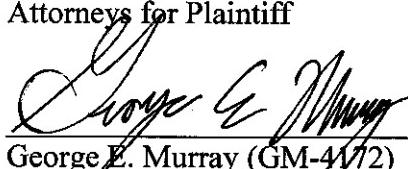
7. In that I have been able to determine that the Defendants FOUR WINDS MARITIME SDN BHD and IBETO CEMENT CO., LTD. are not based in the United States of America and that I have found no indication that the Defendants FOUR WINDS MARITIME SDN BHD and IBETO CEMENT CO., LTD. can be found within this District, I have formed a good faith belief that the Defendants FOUR WINDS MARITIME SDN BHD and IBETO CEMENT CO., LTD. do not have sufficient contacts or business activities within this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty and Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation, that the Defendants cannot be found within this District for the purposes of Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

Dated: Port Washington, New York
August 6, 2007

CHALOS, O'CONNOR & DUFFY, LLP
Attorneys for Plaintiff

By:


George E. Murray (GM-4172)
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Port Washington, New York 11050
Tel: (516) 767-3600
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Subscribed and sworn to before me this
August 6, 2007


Notary Public, State of New York

CHARLES S. CUMMING
Notary Public, State of New York
No. 02CU5047018
Qualified in Suffolk County
Commission Expires July 24, 2009
CERTIFIED IN MONTGOMERY COUNTY